UNITED STATES PATENT AND TRADEMARK OFFICE

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10/561,494	05/16/2006	Jeffrey Bruce McGeorge	CULLP0193US	9315

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EXAMINER
THOMPSON, MICHAEL M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 July 2009</u>.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8 and 10* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-8 and 10* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated**

by Joao (US 2003/0224854).

3.   **With respect to claim 1**, Joao teaches a method of monitoring changes in an

information set of wagering information relating to wagers placed on the outcome of a

sporting contest, the method comprising the steps of: a. entering into an agreement with

a service provider to provide real time monitoring service of changes in an information

set of wagering information relating to wagers placed on the outcome of a sporting

contest (i.e. explicitly at least via paragraph [0506] and further implicit if not inherent in

the function/operation of the prior art); b. receiving wagering information relating to

wagers placed by others on the outcome of a sporting contest on a network of

computers in real-time (i.e. at least via paragraphs [0008], [0025], [0057], [0077], [0081],

[0255], [0425] and passim wherein real-time information is mentioned at least at [0256],

passim) ; c. receiving on a network of computers, instructions from a user specifying

criteria including at least a sporting contest (i.e. at least via paragraphs [0056] and/or

[0423] and throughout implying that users set criteria), and a change in the wagering

information within a discrete time step prior to the commencement of the sporting

contest, the criteria signifying the occurrence of a change in the wagering information

significant to the user (i.e. at least via paragraphs [0008], [0257], [0425] for the

proposition that the information the user elects to monitor includes changes in the odds

prior to commencement of an event); d. comparing the criteria to the wagering

information in real-time to determine when a change in the wagering information

significant to the user occurs (i.e. again at least via paragraphs [0008], [0025-0026],

[0057], [0077], [0081], [0255] [0257], [0425] for the proposition that in determining the

alert it is inherent if not implicit that the user criteria is compared to the real-time data);

and e. causing a real-time alert message to be issued by an output service associated

with the network of computers to a remote communications device (RCD) of the user

upon the occurrence of the change in the wagering information within the discrete time

step prior to the commencement of the sporting contest as real-time changes in the

wagering information occur, the real-time alert message directed to the remote

communications device of the user and confirming the occurrence of the change within

the discrete time step (i.e. at least via paragraphs [0008], [0080-0082], [0135], [0236],

passim).

4.   **With respect to claim 2**, Joao teaches all of the limitations of claim 1, including

the service provider utilising a "totalisor agency database" to monitor the wagering

information (i.e. at least via [0029], [0081], [0259], passim).

5.   **With respect to claim 3**, Joao teaches all of the limitations of claim 1, including

the remote communications device (RCD) comprises fixed or mobile telephone, a

personal computing device or a facsimile or pager of the user (i.e. at least via paragraph

[0026], passim).

6.   **With respect to claim 4**, Joao teaches all of the limitations of claim 1, including

the inherent teaching of a user having an RCD that has a software component (i.e. via

at least the communication interface Para. [0285]) which can be used to send an input

command to a software environment that is running on the network of computer

systems of the service provider (i.e. via at least Para. [0285] when the

user/client/principal interacts via the communication device for use with the prior art

invention) in response to the input command the software environment sends a local

input command to a software environment component that processes the command (i.e.

the inherent operation with the wagering application as described in the prior art in any

function) and which responds by issuing a local output command to a server

infrastructure which in turn sends a remote output command to the RCD (i.e. similarly

inherent in computer transmission facilitated in the prior art), and in response to a

remote output commands, the RCD issues or displays an alert output (i.e. at least via

the usage of the interface for setting criteria and/or alerts wherein the alerts are

outputted via the communication device interface for the user to receive).

7.   **With respect to claim 5**, Joao teaches all of the limitations of claim 1, including

the user can define criteria defining a situation in which alert messages are to be issued

(i.e. again at least via paragraphs [0008], [0025-0026], [0056-0057], [0077], [0080-0082], [135], [236], [0255] [0257], [0423-0425]).

8.   **With respect to claim 6**, Joao teaches all of the limitations of claim 1, including the service provider using a network of computers or computer systems to monitor the wagering information (i.e. again at least via paragraph [0046] for the proposition that the functions of this prior art reference, such as monitoring and sending alerts may occur over networks or computer systems).

9.   **With respect to claim 7**, Joao teaches all of the limitations of claims 1 and 5, including the network of computers adapted to send and receive information to and from a totalisator agency data server which contains real time information regarding the wagering information. (i.e. rejected under a similar rationale of that of claim 6 for the proposition that an embodiment containing several networks or computer systems will still utilize the "agencies" database in order to access the wager information). Please note that networks are inherently capable or adaptable to allow for sending and receiving information to all types of servers and MPEP 2111.04 for the proposition that claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure.

10.   **With respect to claim 8**, Joao teaches all of the limitations of claim 1, further comprising the step of providing at least one history server, to store the wagering information in a database to prevent the need to request the same information numerous times. (i.e. at least via database server supplying information at [0029],

[0079] and/or passim, many of which carry both current and past information of both the

wagering information and prior results or outcomes.)

11.   **With respect to claim 10**, Joao teaches all of the limitations of claims 1 and 8,

including the user communicating to the service provider at least one analysis criteria

upon which alert messages are to be sent. (i.e. again at least via paragraphs [0008],

[0025-0026], [0056-0057], [0077], [0080-0082], [135], [236], [0255] [0257], [0423-0425]).

Response to Arguments

12.   Applicant's arguments with respect to claims 1-8 and 10 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

13.   The Examiner has pointed out particular references contained in the prior art of

record, within the body of this action for the convenience of the Applicant. Although the

specified citations are representative of the teachings in the art and are applied to the

specific limitations within the individual claim, other passages and figures may apply.

Applicant, in preparing the response, should consider fully the entire reference as

potentially teaching all or part of the claimed invention, as well as the context of the

passage as taught by the prior art or disclosed by the Examiner.

14.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Publication number **2008/0274802** and NPL of the website

www.youbet.com more than a year earlier of applicants effective filing date reciting a

betting website providing several of the services claimed. Please note that several

other references originally recited in the PCT search report may also be applicable.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael M. Thompson whose telephone number is (571)

270-3605. The examiner can normally be reached on Monday thru Friday 8am-5:30

except Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael M Thompson/
Examiner, Art Unit 3629

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3629